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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,665	06/07/2001	Christopher Shaun Wagner		7407

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Christopher S. Wagner  
2222 Ashley River Road, Apt 3E  
Charleston, SC 29414

EXAMINER

MARTIN, NICHOLAS A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

09/875,665

Applicant(s)

WAGNER, CHRISTOPHER SHAUN

Examiner

Nicholas A. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-4 are presented for examination.
2. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

4. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### ***Specification***

5. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
6. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

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(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Objections***

7. Claims 1 - 4 are objected to because of the following informalities:

8. Respect to claims 1, 2 and 4, the applicant wrote, "The client-side program/script may respond..." in claim 1(e); "...web pages that may contain programs..." in claim 2(a); "a master server may distribute..." in claim 4, line 1. The examiner interprets the term "may" means perhaps, possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "may".

9. Respect to claims 2, 3 and 4, the applicant wrote, "A system described in claim 1 may be implemented...". The examiner interprets the term "may be" means perhaps, possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "may be".

10. Respect to claim 2, the applicant wrote, "JavaScript can respond to a server...", line (c). The examiner interprets the term "can" means possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "can".

Appropriate correction is required.

11. Claim 3 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack antecedent basis:

i. the work – claim 1(d).

b. The claim language in the following claims is murky or not clearly understood:

i. As per claim 1(a) line 2-3, it is not clearly understood whether “a server to clients” refers to the previously mentioned server and clients or to another set of server and clients to transmit the “other data”. (i.e. verify if new server and clients are being used);

ii. As per claim 1(b) line 2, it is not clearly understood whether “a client” refers to an additional client requesting data or one of the clients previously mentioned in part 1(a). (i.e. verify how the client is implicated in the network);

iii. As per claim 1(b), it is not clearly understood whether “the data” refers to “data” transmitted between a server and clients or “other data” currently being distributed from a server to clients in claim 1(a). (i.e. verify which data is being used);

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iv. As per claim 1(b-e), it is not clearly understood whether "programs/scripts" refers to programs and scripts or programs or scripts. (i.e. verify if they are both being used or just one).

13. Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the remainder of the examination process, "such as" will be seen as enlisting one of the mentioned programs and protocols.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gamerman, Gary (hereinafter Gamerman), US 2002/0016835.

15. As per claim 1, Gamerman teaches a system of distributed computing, comprising:

the use of a network protocol to transmit data between a server and clients on networks where other data is currently being distributed from a server to clients (Paragraph [0003]);

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a server-side program/script to create client-side programs/scripts that are attached to the data requested by a client (Paragraph [0004]);

the client receives the client-side program/script without any action other than the normal request for data (Paragraphs [0003] and [0016]);

client-side programs/scripts perform the work required (Paragraphs [0015] – [0018]); and

the client-side program/script may respond to the server through an adapted data request (Paragraph [0004]).

16. As per claim 2, Gamerman teaches a system as described in claim 1 that may be implemented through common protocol and programs such as:

Hypertext Transfer Protocol (HTTP) is used to transfer web pages that may contain program or scripts (Paragraph [0004]).

17. As per claim 3, Gamerman teaches a system as described in claim 1 that may be implemented as described in claim 2 so that the distributed computing system does not require any action from the users of HTTP server (Paragraph [0004]).

18. As per claim 4, Gamerman teaches a system described in claim 1 that may be tiered. A master server may distribute computing to other servers, which in turn distribute the computing to more servers or clients (Paragraphs [0018] and [0019]).

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**Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System Of Server-Client Distributed Computing Using Passive Clients".

- |      |                 |                          |
|------|-----------------|--------------------------|
| i.   | US 6,141,759    | Braddy, Ricky Gene.      |
| ii.  | US 6,332,163    | Bowmann-Amuah, Michel K. |
| iii. | US 6,671,818    | Mikurak, Michael G.      |
| iv.  | US 2002/0116485 | Black et al.             |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Martin whose telephone number is (703) 605-4352. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 13, 2004

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100